

part of #24
AMW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Sheikh, et al. Group Art Unit 2182
 (formerly 2787)

App. No. : 08/942,160

Filed : October 1, 1997

For : SYSTEM ARCHITECTURE)
 FOR REMOTE ACCESS)
 AND CONTROL OF)
 ENVIRONMENTAL)
 MANAGEMENT)

Examiner : T. Heckler)



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 Technology Center 2100

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OFFICE OF PETITIONS

MATCH & RETURN

PETITION TO DIRECTOR OF GROUP 2100 UNDER 37 CFR § 1.181
and MPEP § 1002.02(c) and 1003

Assistant Commissioner for Patents
 Washington, D.C. 20231

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DIRECTOR OFFICE
 TECHNOLOGY CENTER 2100

Dear Sir:

In the Notice of Allowability mailed September 15, 2000, for the above-identified patent application, the Examiner stated at page 2, ¶3 that "the information disclosure statement filed March 9, 1999, Paper No. 14 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because no copies of the references were provided." Unfortunately, the Examiner did not inform Applicant of this situation until the Notice of Allowability (the Information Disclosure Statement was not considered until September 14, 2000). Applicant therefore petitions (petition fee under 37 CFR § 1.17(h) enclosed) for consideration of the enclosed 33 references corresponding to the PTO-1449 mailed by Applicant on March 5, 1999, based on the attached document copies:

1. Transmittal Letter dated March 5, 1999, stating that 33 references are included.

Appl. No. : 08/942,169
Filed : October 1, 1997

2. Supplemental Information Disclosure Statement (with PTO-1449) stating that the references listed on the PTO-1449 are also enclosed.
3. Return Postcard stamped by the OIPE (dated March 9, 1999) listing 33 references.
4. Internal Quality Assurance check-off sheet showing (item #4): yes Count the number of references listed on the PTO-1449 sheet and count the number of actual references being mailed and make sure the number is the same.

Furthermore, even if the references were inadvertently not included in the envelope (mailed on March 5, 1999) to the Patent and Trademark Office, 37 CFR § 1.97(f) recites: "If a bona fide attempt is made to comply with § 1.98, but part of the required content is inadvertently omitted, additional time may be given to enable full compliance." Therefore, the time to consider the references can and should be extended in this instance.

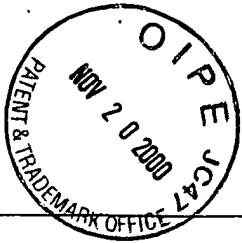
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 11-14-2000

By: Raimond Saleniek
Raimond J. Saleniek
Registration No. 37,924
Agent of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660
(619) 235-8550

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110700



COPY

PATENT

Case Docket No. MNFRAME.002A1

Date: March 5, 1999

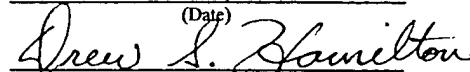
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Sheikh et al.
Appl. No. : 08/942,160
Filed : October 1, 1997
For : SYSTEM ARCHITECTURE
FOR REMOTE ACCESS
AND CONTROL OF
ENVIRONMENTAL
MANAGEMENT
Examiner : Unknown
Group Art Unit : 2785

I hereby certify that this correspondence and all
marked attachments are being deposited with the
United States Postal Service as first class mail in
an envelope addressed to: Assistant Commissioner
for Patents, Washington, D.C. 20231, on

March 5, 1999

(Date)


Drew S. Hamilton, Reg. No. 29,801

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Technology Center 2100

TRANSMITTAL LETTER

ASSISTANT COMMISSIONER FOR PATENTS

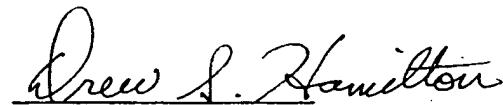
WASHINGTON, D.C. 20231

ATTENTION: APPLICATION BRANCH

Dear Sir:

Enclosed for filing in the above-identified application are:

- (X) A Supplemental Information Disclosure Statement.
- (X) A PTO Form 1449 with 33 references.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410. A duplicate copy of this sheet is enclosed.
- (X) Return prepaid postcard.


Drew S. Hamilton
Registration No. 29,801
Attorney of Record

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Applicant : Sheikh et al.
 App. No. : 08/942,160
 Filed : October 1, 1997
 For : SYSTEM ARCHITECTURE FOR
 REMOTE ACCESS AND CONTROL
 OF ENVIRONMENTAL
 MANAGEMENT
 Examiner : Unknown



SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

Enclosed is form PTO-1449 listing references that are also enclosed. This Information Disclosure Statement is being filed before the mailing date of a final action under 37 C.F.R. § 1.113 and before the mailing date of a notice of allowance under Section 1.311. A certification under 37 C.F.R. § 1.97(e)(2) is set forth below. Thus, no fee is required as set forth in 37 C.F.R. § 1.97(c).

CERTIFICATION UNDER 37 C.F.R. § 1.97(e)(2)

I hereby certify that no item of information contained in this Statement was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37

Appl. No. : 08/942,165
Filed : October 1, 1997

C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 5, 1999

By: Drew S. Hamilton

Drew S. Hamilton
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Attorney of Record
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Date: 3/5/99

Date of O.A.: _____

UTILITY/DESIGN PATENT

(miscellaneous)

Rec'd in the U.S.P.T.O. on the date stamped hereon via Certificate of Mail:

Atty. Dkt. # MNframe 002A1 A/N: 08/943,160 Filed: 10/1/97

Pat. # _____ Issued: _____ Atty: DSH/Jmc/RJS

Exr: Unknown Art Unit: 2785 Batch: _____ Re-Exam # _____

Title: System architecture for... Applicant: Sheikh et al.

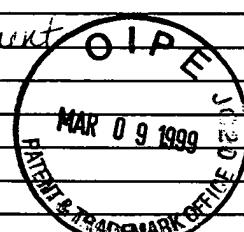
VERIFIED BY: Asst: Amber Quality Control: Copy

Transmittal letter in duplicate

Supplemental Information Disclosure Statement

Form PTO-1449 with 33 references

Return Postcard



7/96

COPY

IDS

CHECKED BY: Charlotte DATE: 3/5/99 CASE NO: MN FRAME 007 A1

1. Yes Check postcard to ensure data has been entered correctly (client code, serial number, filing date, art unit, number of references.) Be sure enclosures on postcard match those on the transmittal letter. Initial postcard.
2. Yes Check transmittal letter to ensure all enclosures are listed and correct and that it is in duplicate. Check accuracy of fee calculations, if the IDS is being filed 3 months after filing date AND after first office, a check for \$240.00 should be included. WHEN CHARGING THE DEPOSIT ACCOUNT THE TRANSMITTAL LETTER HAS TO BE IN DUPLICATE.
3. No If there are any other enclosures, they also should be listed on the transmittal letter and postcard.
4. Yes Count the number of references listed on the PTO-1449 sheet and count the number of actual references being mailed and make sure the number is the same
5. Yes If there is a check, be sure it is for the correct amount, it has been signed and that the client code and serial number are on the check.
6. Yes Be sure the attorney has signed and dated the document and all other applicable documents, as well as each Certificate of Mailing. The response must be mailed on the date of the Certificate of Mailing.
7. No If the response is being sent to Eva Pelfrey via Federal Express, in addition to checking the above, be sure that the courtesy copy to the Examiner is included. Also, the documents should not be stamped with the Certificate of Mailing, as the stamp indicates it is being sent via first-class mail.
8. Yes Verify there is a letter to Client with complete a copy of the IDS as filed.

IN THE SYSTEM:

1. — Access 3 UPDATE ACTION FILE & DOCKET screen, then access 1 UPDATE ACTION -DATA. Alt F5, type case number and press F3.
2. — ALT F3 to search for "IDS DUE". Complete out the Response Sent Dt. with the mailing date of the IDS and change "no" to "yes" for completed.
- OR
- ALT F3 to search for "POSSIBLE IDS". If this action exists, verify that IDS is being filed off a foreign search report. If it is, complete out Response Sent Dt. with mailing date of IDS and change "no" to "yes" for Completed
3. — F8 to modify. F5 to clear screen
4. — Enter PT for type, enter case number and USA for country code.
5. — For Action type, enter code MD DOCUMENT PTO. Enter the mailing date under the PTO DATE. Note that the system automatically calculates the next due dates.
In remarks on the first line type:
 - a. IDS W/xx# REFERENCES TO PTO C/M
 - b. IDS LISTING xx# TO PTO C/M
 - c. SUPPL IDS W/xx# TO PTO C/MF2 to save
7. — Access Country Applications Screen. ALT F5 and enter case #, F3 to retrieve case.
8. — Change "no" to "yes" for IDS and bottom of screen.
F8 to modify

PRINT UP COVER SHEET AND PLACE IN PLASTIC COVER ON FRONT OF FILE
DOUBLE CHECK YOUR WORK.